

RESOLUTION NO. 30-2014

RESOLUTION ADOPTING MADISON COUNTY AIRPORT AFFECTED AREA REGULATIONS

WHEREAS, Section 67-7-102, MCA, describes the legislative finding and purpose for airport affected areas as follows: The legislature finds that tall trees and structures and certain types of development located in the vicinity of airports endanger the lives and property of users of the airport and of occupants of land in its vicinity. The legislature also finds that the location of tall trees and structures and certain types of development near airports reduces the area available for landing, taking off, and maneuvering aircraft and increases the likelihood of legal action against a local government for noise nuisance, thus destroying the utility of the airports and the public investment in them. It is the purpose of this chapter to promote the public health, safety, and general welfare by the delineation of an airport affected area and by the development of compatible noise, height, and land use regulations to control airport hazards. The prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and in which political subdivisions may acquire land or property interests; and

WHEREAS, Section 67-7-201, MCA, requires that a governing body that owns or controls a National Plan of Integrated Airport Systems (NPIAS) airport designate the airport affected area, develop regulations, and provide maps and descriptions of the airport affected area; and

WHEREAS, Madison County owns two NPIAS airports, the Ennis Big Sky and Twin Bridges Airports (Airports); and

WHEREAS, in accordance with 67-7-203, MCA, the Madison County Airport Board, with assistance from the Madison County Planning Board, prepared the draft Madison County Airport Affected Area Regulations document that designates the airport affected areas, includes maps and descriptions of the airport affected area, and regulates the effects of noise, height of structures and trees, lighting and land use in the vicinity of the Airports; and

WHEREAS, the designated airport affected areas are within the jurisdiction of Madison County; and

WHEREAS, copies of the proposed Madison County Airport Affected Area Regulations were available for public review at multiple locations at least two weeks prior to the duly noticed July 14, 2014, public hearing on the proposed regulations held by Airport Board; and

WHEREAS, after receiving no public comments before or during the public hearing on July 14, 2014 and after due consideration and discussion the Madison County Airport Board found that the proposed Madison County Airport Affected Area Regulations meet the requirements of Title 67, Chapter 7, MCA and unanimously recommended that the Madison County Board of Commissioners adopt the proposed Madison County Airport Affected Area Regulations; and

WHEREAS, the Madison County Board of Commissioners, wishing to solicit additional public comment, adopted Resolution 28-2014, a Resolution of Intent to Adopt the proposed Madison County Airport Affected Area Regulations which set a public hearing for 10 a.m. on August 11, 2014, in the Commissioners Conference Room at the Madison County annex, 205 N. Broadway, Virginia City ; and

WHEREAS, copies of the proposed Madison County Airport Affected Area Regulations continued to be available at: the Madison County Commissioners Office, Planning Office and Courthouse in Virginia City; public libraries in Ennis, Twin Bridges and Virginia City; Choice Aviation at Ennis Big Sky Airport and Ruby Valley Aviation at Twin Bridges; and the Madison County website; and

WHEREAS, no public comments were received prior to or during the public hearing held by the Madison County Board of Commissioners on August 11, 2014, that required substantive modification to the proposed regulations.

NOW, THEREFORE BE IT RESOLVED that the Madison County Board of Commissioners hereby adopts the Madison County Airport Affected Area Regulations (attached), to become effective immediately.

PASSED and ADOPTED by the Madison County Board of Commissioners this _____ day of _____, 2014.

ATTEST:

APPROVED:

Peggy Kaatz-Stemler
Clerk and Recorder
Madison County

James P. Hart, Chairman

David Schulz

Dan Happel
Board of Commissioners
Madison County